THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 22371 OF 1997

Dated 31st January, 2007

Between:

Mallipudi Nageswararao

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Petitioner

And

Collector, Kakinada and others.

...

Respondents

ORAL ORDER:

In this writ petition, the petitioner seeks directions by way of mandamus to the respondents not to evict him from the land admeasuring Ac.3.91 cents in Survey No. 41/2A of Kotharamavaram village, Gangavaram Mandal, East Godavari District.

In the affidavit filed in support of the writ petition, it is stated that the petitioner was granted D-Form patta to an extent of Ac.3.91 cents covered by Survey No.41/2A of Kotharamavaram village, Gangavaram Mandal of East Godavari District and he is in possession of the same. It is further stated that a notice was issued by the Sub-Collector, Rampachodavaram, East Godavari District for cancellation of the D-Form patta, as against which, he filed a writ petition, wherein it was directed to conduct enquiry and pass orders. LTRP No.116 of 1997 was also filed under Andhra Pradesh Scheduled Area Land Transfer Regulation 1 of 1959 as amended by Regulation 1 of 1970 by the Deputy Tahsildar, Tribunal Welfare. But, no orders have yet been passed in both the proceedings. However, the Mandal Revenue Officer is trying to evict the petitioner from the land in question.

It is submitted by the learned counsel for the petitioner that in the earlier round of litigation, though there was a direction to the respondents to conduct enquiry, no enquiry was conducted and again steps were being taken to evict the petitioner and hence he filed the writ petition in the year 1997.

At the stage of admission, this court had granted

interim orders on 22.9.1997 and the said interim orders continued all along. Though the writ petition is pending for the last more than 9 years before this court, no counter affidavit is filed and even when the question is posed to learned Government Pleader as to whether any eviction order was passed, he is not in a position to answer the same.

As it is pleaded that no orders of eviction have been passed either pursuant to the notice issued by the Sub-Collector for cancellation of D-Form patta or in the proceedings initiated under Regulation 1 of 1959, I dispose of the writ petition directing the respondents not to evict the petitioner from the land admeasuring Ac.3.91 cents in Survey No.41/2A of Kotharamavaram village, Gangavaram Mandal, East Goadavari District, which is covered by D-Form patta issued in favour of the petitioner. However, it is made clear that if any orders of eviction are passed either cancelling the patta or in the proceedings initiated under Regulation 1 of 1959, it is open for the respondents to enforce the said orders.

Subject to above orders, the writ petition is disposed of. No costs.

31.1.2007 **R.SUBHASH REDDY, J.**

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